



0132.67604

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant: Robert Baer
Serial No.: 10/752,431
Conf. No.: 3776
Filed: 01/06/2004
For: FASTENERS FOR
COMPOSITE MATERIAL
Art Unit: 3677
Examiner: Reese, David C.

I hereby certify that this paper is being deposited with the United States Postal Service as FIRST-CLASS mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date.

27 Jan 09
Date

[Signature]
Registration No. 29, 367
Attorney for Applicant

APPELLANTS' REPLY TO EXAMINER'S ANSWER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

As a preliminary matter, applicants acknowledge that column 5, lines 27-30 of Fukubayashi explain that the first portion 3A, the second portion 3B and the third portion 3B is of a symmetric triangular shape. Applicants stand on their earlier arguments in all other respects.

The examiner describes applicants' arguments as a piecemeal analysis of the references, which is incorrect. To the contrary, applicants' arguments focus on whether the cited references can reasonably be combined. Differences in the individual devices described

in the cited references must be considered with respect to the likelihood that one of ordinary skill would modify and combine the references. Graham v. John Deere, 383 U.S. 1, 148 USPQ 459 (1966); M.P.E.P. § 2141. The examiner has not refuted applicants' arguments as to why, based on those differences, among other things, one of ordinary skill would not have found the present obvious in view of the cited references.

For the foregoing reasons, applicants again request that the rejection of claim 1 and its related dependent claims 2, 3 and 5-9 be reversed, with instructions to allow this application.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By



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January 27, 2009

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